



The New York Times
Company

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January 4, 2023

The Honorable J. Paul Oetken
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2101
New York, New York 10007

Re: Atas v. The New York Times Company (22-cv-00853-JPO)

Dear Judge Oetken:

I am counsel to Defendants The New York Times Company, Ellen Pollock, Kashmir Hill, the Daily Podcast, Michael Barbaro, and Aaron Krolik (jointly, the “NYT Defendants”) and Defendant Lily Meier.¹ This action alleges that Plaintiff was defamed by statements made by the NYT Defendants. I write in opposition to Plaintiff’s request for permission to file a Fourth Amended Complaint. (Dkt. 44.)

Plaintiff has been declared a vexatious litigant by the Superior Court in Ontario, where she resides. (*See* Complaint, Dkt. 1, pars. 3 -12.) Since her original Complaint in this Court was dismissed on May 31, 2022 (Dkt. 8), she has filed amended complaints three times – on October 17, December 14, and December 28. (Dkt. 23, 36, 43.) In doing so, she has requested seven extensions and twice asked the Court not to effect service on her behalf. (Dkt. 9, 11, 13, 15, 17, 21, 26, 29, 34.) Plaintiff cites no credible basis for another amendment, let alone one that meets the Rule 15(a)(2) standard: “when justice so requires.” Nothing has changed about the facts, all of which concern reporting and publications from early 2021. We believe that Plaintiff has had ample opportunity to frame her legal claims

¹ “The Daily Podcast” is not a legal entity. The Daily is a show produced by Defendant The New York Times Company.

as she sees fit, and Defendants should now be permitted to respond to the allegations, mount their defense, and have an adjudication of this matter.

We thank the Court for its consideration.

Respectfully submitted,

David McCraw

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